

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS, LAND SURVEYORS SECTION

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES J. CARROLL, RLS,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: 92 LSR 008, 94 LSR 009
: 95 LSR 009, 96 LSR 005

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

James J. Carroll
624 East State Street
Mauston, WI 53948

Examining Board of Architects, Landscape Architects,
Professional Geologists, Professional Engineers, Designers and
Land Surveyors, Land Surveyor Section
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Land Surveyors Section. The section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James J. Carroll (D.O.B. 07/21/26) is duly licensed in the state of Wisconsin as a land surveyor (license # 606). This license was first granted on March 15, 1957.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 624 East State Street, Mauston, WI 53948.

3. The Respondent admits that at least some of the property surveys that he has performed or survey maps he has prepared contained in the complaint filed in this proceeding did not conform with the land survey requirements of Sec. 236, Wis Stats., and Chapter A-E 7, minimum standards for property surveys.

4. Respondent agrees to voluntarily surrender his license to practice land surveying in resolution of this disciplinary proceeding.

CONCLUSION OF LAW

1. The Land Surveyor Section has jurisdiction in this matter pursuant to Wis. Stats., section 443.12.

2. Respondent's conduct as set forth in paragraph 3 is in violation of Wis. Stats., sec. 443.12(1), and Wis. Admin. Code, sec. A-E 8.03(3)(a), (b), and (c), and Respondent is, therefore, subject to disciplinary action by the Wisconsin Land Surveyors Section.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that the voluntary surrender of the license of the Respondent to practice land surveying is hereby accepted; and

IT IS FURTHER ORDERED that in the event that Respondent should elect to petition for reinstatement of his license, the Land Surveyors Section in its discretion may require the Respondent to fulfill all of the requirements for initial licensure including any educational or testing requirements that are in effect at the time of application.

IT IS FURTHER ORDERED that investigative files 92 LSR 008, 94 LSR 009, 95 LSR 009, and 96 LSR 005 be closed

By: 
A Member of the Board

17 APR 12 97
Date

RRH:deh
ATY-CLG2201

STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS, LAND SURVEYORS SECTION

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES J. CARROLL, R.L.S.
RESPONDENT.

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STIPULATION

It is hereby stipulated between James J. Carroll, personally on his own behalf and Roger R. Hall, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into in resolution of a disciplinary proceeding concerning Respondent's license based on allegations contained in Complaints pending before the Land Surveyor Section. Respondent agrees to surrender his license in resolution of these complaints.
2. James J. Carroll understands that by the signing of this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Land Surveyor Section. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Land Surveyor Section's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Land Surveyor Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Land Surveyor Section, the parties agree not to contend that the Land Surveyor

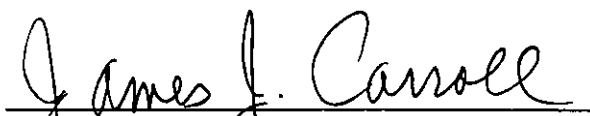
Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

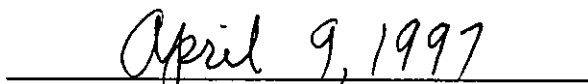
6. The parties to this Stipulation agree that the attorney for the Division of Enforcement and a member of the Land Surveyor Section assigned as an advisor in this investigation may appear before the Land Surveyor Section for the purpose of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.


7. The Division of Enforcement joins James J. Carroll in recommending the Land Surveyor Section adopt this Stipulation and issue the attached Final Decision and Order.


IT IS FURTHER ORDERED that in the event that Respondent should elect to petition for reinstatement of his license, the Land Surveyors Section in its discretion may require the Respondent to fulfill all of the requirements for initial licensure including any educational or testing requirements that are in effect at the time of application.

IT IS FURTHER ORDERED that investigative files 92 LSR 008, 94 LSR 009, 95 LSR 009, and 96 LSR 005 be closed.


James J. Carroll


Date


Roger R. Hall, Attorney
Division of Enforcement
(608) 266-9763


Date

RRH:kcb
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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS, LAND SURVEYORS SECTION

In the Matter of the Disciplinary Proceedings Against

James J. Carroll, RLS,

AFFIDAVIT OF MAILING

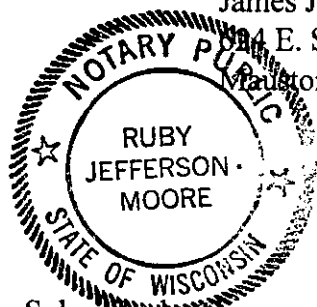
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On April 18, 1997, I served the Final Decision and Order dated April 17, 1997 upon the Respondent James J. Carroll, RLS by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 176.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

James J. Carroll, RLS
884 E. State Street
Madison WI 53948



Subscribed and sworn to before me

this 18th day of April, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:
STATE OF WISCONSIN EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
(LAND SURVEYORS SEC) 1400 East Washington Avenue
P.O. Box 8935
Madison. WI 53708.

The Date of Mailing this Decision is:

April 18, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)